



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,580	02/22/2000	Richard A. Leeds	480169	4232

22504 7590 06/07/2005

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This is in reference to response received by the office on 17 March 2005 to the office action mailed on 13 October 2004.

Requirement for Information under 37 CFR 1.105

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Applicant recites 'Public discussion has recently included some of the concepts behind applicant's invention's processing of remote computer's hidden header data in the current communication to determine user information. This is identified in the Abstract. of the Disclosure as follows: "As one of the remote computers is in current communication with the host computer, the customer data collector collects and analyzes data from the remote computer including search requests, uniform resource locators (URLs), and hidden data'. Is collection of data, analysis of collected data from a remote computer including search requests, uniform resource locators (URLs), and hidden data applicant's invention, or, it would been obvious to one of ordinary skill in the art at the time of invention to analyze collected data from a remote computer.

Applicant provides that information from the website GRC.com, authored by Steve Gibson, and recites "applicant claims the use of the "hidden header data" to determine the geographic location of a shopper as disclosed in the application filed February 18, 2000, and as Mr. Gibson's discussion above suggests is possible, "reverse DNS may disclose your geographic location" [using header data from the current communication]".

Is usage of reverse DNS applicant's invention, or, it would have been obvious to one of ordinary skill in the art at the time of invention to use Reverse DNS to identify customer location.

Applicant recites "At the request of the Examiner to provide a concrete and useful example of the patent claims, applicant constructed the demonstration website "discountcenter.us" which the Examiner visited on November 12, 13 and 14, 2003, and where applicant demonstrated that using the present invention the host system was able to determine the Examiner's geographic location (VA) and his affiliation (FTS20011US Patent & Trade), without cookies or prior data.

As requested earlier, Is usage of reverse DNS applicant's invention, or, it would have been obvious to one of ordinary skill in the art at the time of invention to use Reverse DNS to identify customer location.

Applicant recites "More generally, Applicant's claims involve the use of header data (network address, referrer, prior website, search engine search string, domain

Art Unit: 3629

name and software on the remote computer) to look-up user information to generate customized product selection. It is interesting to note that Mr. Gibson likens the use of hidden header data to a "supercookie over which you have no control." “.

Is use of supercookie applicant's invention, or, it would have been obvious to one of ordinary skill in the art to use supercookie to identify customer information. Also, where in the application originally filed 22 February 2000, applicant has disclosed supercookie.

Applicant recites “Applicant's invention does not require use of information stored on the remote system (cookies) and applicant's invention can determine information concerning the remote computer system even if it does not allow cookies. Applicant's invention is based on using hidden header data along with private and public databases to determine "shopper characteristics" for the user of the remote system; the use of this header data can be done on a first visit before the user has been cooked”.

As requested earlier, is using Reverse DNS to identify customer related information applicant's invention? Also, where in the application originally filed 22 February 2000 is the disclosure of public and private databases, and how the applicant accesses these databases.

Applicant recites “The applicant's invention does not claim the header fields or any set of header fields per se. The end purpose of applicant's invention is not determining header data provided by the remote system; applicant's invention combines header data with private and public information for the purpose of determining user information to

Art Unit: 3629

customize shopper screens, which was non-obvious (and now 5 years later is just being discussed)".

As requested earlier, where in the application originally filed 22 February 2000 is the disclosure of public and private databases, and how the applicant accesses these databases.

Applicant recites "Applicant does not use information stored on user's computer but uses hidden header data from the current communication to indirectly determine the user's shopper characteristics". In the application originally filed 22 February 2000, applicant recites"

Examples of such hidden data include the cookie data 123b on the remote computer 122 or data stored in other files on the storage 123 of the remote computer 122. Cookies were originally designed to permit servers to save information on a client computer between invocations of a web browser.

Hidden data may include past buying history (i.e., merchandise previously purchased), past searching history (i.e., search terms previously used) or a combination of both of these (i.e., did any prior search result directly lead to a purchase)".

Where in the application is the disclosure for using hidden header data?

In response to this requirement please provide the information:

Whether the example of information as disclosed in the originally filed specification is applicant's invention, or, at the time of information this information was made available by user's computer system which could be accessed by one of ordinary skill in the art.

If applicant is not using the information stored on user's computer, how does the applicant formulate tailored screens.

Applicant is requested to provide more detailed information on Reverse DNS.

All the material, bound text or publication and any known publications, papers, brochures, manual and press releases that describe using Reverse DNS, URLs, HTTP or any other protocols for generating tailored store screens.

Provide a list of keywords that are particularly helpful in locating publications related to the disclosed art of formulating tailored store screens.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement

Art Unit: 3629

under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

In responding to those requirements that require copies of any other known documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810.

The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

May 31, 2005